

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

FILE COPY

IN THE MATTER OF THE APPLICATION	:	
FOR RESPIRATORY CARE PRACTITIONER	:	
CERTIFICATION	:	FINAL DECISION AND ORDER
GARY J. JUGAN,	:	96 MED 363
APPLICANT	:	

The parties to this action for the purposes of Wis. Stats. sec. 227.53 are:

Gary J. Jugan
1142 Darwin Drive
Machesney Park, Illinois 61115

Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. On or about July 29, 1996, Gary J. Jugan (1142 Darwin Drive, Machesney Park, Illinois 61115; D.O.B. 11/20/52) filed an application for certification in Wisconsin as a respiratory care practitioner.

2. On October 1, 1996, the Medical Examining Board entered an Order denying Mr. Jugan's application for certification, based upon "probable cause to believe that . . . applicant practiced respiratory care without a certificate" between March 11, 1996 and July 29, 1996.

3. Mr. Jugan has timely requested a hearing on the denial of his certificate.

4. Subsequent to the Order referred to in par. 2, above, Mr. Jugan produced documentation from the Medical Director at Beloit Memorial Hospital attesting that all respiratory care relevant to these proceedings was performed under his delegation. However, Mr. Jugan in addition provided the Department with inaccurate and/or misleading information concerning the scope of his respiratory care activities during the period of time in question.

5. In resolution of this matter, Mr. Jugan consents to entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The Medical Examining Board has jurisdiction in this matter pursuant to sec. 448.04(1)(I), Wis. Stats.

2. By the conduct described in par. 4, above, Gary J. Jugan violated Wis. Adm. Code §Med 10.01(2)(c).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the stipulation of the parties is approved.

IT IS FURTHER ORDERED that the application of Gary J. Jugan for certification as a respiratory care practitioner is granted, conditioned upon the following:

1. Mr. Jugan is REPRIMANDED.

2. Within ten (10) months of the date of this Order, Mr. Jugan shall complete not fewer than 12 hours of continuing education in the area of ethics for health care providers. These continuing education credits shall be approved in advance by the Board; and

3. The Board may, at its option, require Mr. Jugan to appear before the Board following completion of the continuing education referred to above to answer any questions that it may have concerning this matter.

4. If Mr. Jugan fails to successfully and timely complete all requirements set forth in paragraph 2, above, the respondent's license shall be SUSPENDED without further notice or hearing until such time as the Board accepts documentation of respondent's completion of the education requirements set forth in this Order

MEDICAL EXAMINING BOARD

By:


A Member of the Board

1-23-92
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE APPLICATION
FOR RESPIRATORY CARE PRACTITIONER
CERTIFICATION
GARY J. JUGAN,
APPLICANT

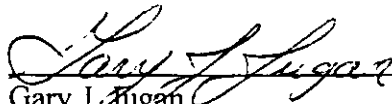
STIPULATION
96 MED 363

It is hereby stipulated between Gary J. Jugan personally on his own behalf; and Steven M. Gloe, Attorney for the Department of Regulation and Licensing, Division of Enforcement, as follows that:

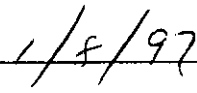
1. This Stipulation is entered into in resolution of Mr. Jugan's request for a hearing on the denial of Mr. Jugan's application for certification as a respiratory care practitioner. This Stipulation and Order shall be presented directly to the Medical Examining Board without further proceedings.
2. Mr. Jugan understands that by the signing of this Stipulation he voluntarily and knowingly waives his rights to a hearing on the Board's denial of certification, including the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Mr. Jugan is aware of his right to seek legal representation and has obtained legal advice prior to signing this stipulation.
4. Mr. Jugan agrees to the adoption of the attached Final Decision and Order by the Medical Examining Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Applicant waives all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.
6. The parties to this stipulation agree that the attorney for the Division of Enforcement and the member of the Medical Examining Board assigned as an advisor in this investigation may appear before the Board for the purposes of speaking in support of this agreement and answering

questions that the members of the Board may have in connection with their deliberations on the stipulation.

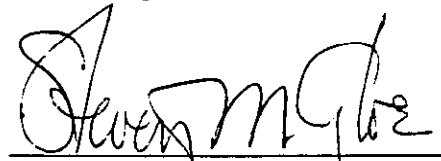
7. The Division of Enforcement joins Mr. Jugan in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.



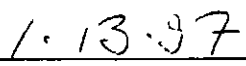
Gary J. Jugan



Date



Steven M. Gloe, Attorney
Division of Enforcement



Date

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STATE OF WISCONSIN
DEPARTMENT OF REGULATION AND LICENSING
BEFORE THE MEDICAL EXAMINING BOARD

In the Matter of the Application for Respiratory Care Practitioner Certification

Gary J. Jugan,

AFFIDAVIT OF MAILING

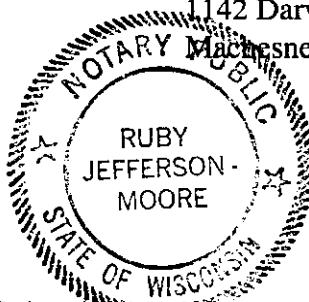
Applicant.

STATE OF WISCONSIN)
)
COUNTY OF DANE)

I, Kate Rotenberg, having been duly sworn on oath, state the following to be true and correct based on my personal knowledge:

1. I am employed by the Wisconsin Department of Regulation and Licensing.
2. On January 24, 1997, I served the Final Decision and Order dated January 23, 1997 upon the Applicant Gary J. Jugan by enclosing a true and accurate copy of the above-described document in an envelope properly stamped and addressed to the above-named Applicant and placing the envelope in the State of Wisconsin mail system to be mailed by the United States Post Office by certified mail. The certified mail receipt number on the envelope is P 201 377 269.
3. The address used for mailing the Decision is the address that appears in the records of the Department as the Applicant's last-known address and is:

Gary J. Jugan
1142 Darwin Drive
Machesney Park IL 61115



Subscribed and sworn to before me

this 24th day of January, 1997.

Ruby Jefferson-Moore
Notary Public, State of Wisconsin
My commission is permanent.

Kate Rotenberg

Kate Rotenberg
Department of Regulation and Licensing
Office of Legal Counsel

NOTICE OF APPEAL INFORMATION

Notice Of Rights For Rehearing Or Judicial Review. The Times Allowed For Each. And The Identification Of The Party To Be Named As Respondent.

Serve Petition for Rehearing or Judicial Review on:

STATE OF WISCONSIN MEDICAL EXAMINING BOARD

1400 East Washington Avenue

P.O. Box 8935

Madison, WI 53708.

The Date of Mailing this Decision is:

January 24, 1997

1. REHEARING

Any person aggrieved by this order may file a written petition for rehearing within 20 days after service of this order, as provided in sec. 227.49 of the *Wisconsin Statutes*, a copy of which is reprinted on side two of this sheet. The 20 day period commences the day of personal service or mailing of this decision. (The date of mailing this decision is shown above.)

A petition for rehearing should name as respondent and be filed with the party identified in the box above.

A petition for rehearing is not a prerequisite for appeal or review.

2. JUDICIAL REVIEW.

Any person aggrieved by this decision may petition for judicial review as specified in sec. 227.53, *Wisconsin Statutes* a copy of which is reprinted on side two of this sheet. By law, a petition for review must be filed in circuit court and should name as the respondent the party listed in the box above. A copy of the petition for judicial review should be served upon the party listed in the box above.

A petition must be filed within 30 days after service of this decision if there is no petition for rehearing, or within 30 days after service of the order finally disposing of a petition for rehearing, or within 30 days after the final disposition by operation of law of any petition for rehearing.

The 30-day period for serving and filing a petition commences on the day after personal service or mailing of the decision by the agency, or the day after the final disposition by operation of the law of any petition for rehearing. (The date of mailing this decision is shown above.)